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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,788	12/09/2003	Samuel Lau	CISCP358	6871
22434	7590	12/28/2007		
BEYER WEAVER LLP			EXAMINER	
P.O. BOX 70250			VUONG, QUOCHIE B	
OAKLAND, CA 94612-0250				
			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			12/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/732,788	<b>Applicant(s)</b> LAU, SAMUEL	
	<b>Examiner</b> Quochien B. Vuong	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-28 and 33-35 is/are allowed.
- 6) ☒ Claim(s) 29,31,32 and 36-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

This action is in response to applicant's response filed on 10/15/2007. Claims 1-29 and 31-38 are now pending in the present application. **This action is made final.**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 12/13/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Objection***

2. Claim 31 is objected to because of the following informalities: claim 31 should depend on claim 29 instead of the now cancelled claim 30. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 29, 31, and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Uchida (US 6,618,596).

Regarding claims 29 and 36-38, Uchida discloses a method and apparatus of operating a mobile network device (column 1, line 58 – column 2, line 7), comprising: detecting a speed of the mobile network device (column 3, line 62 – column 4, line 7); ascertaining one or more values of one or more operating characteristics of one or more interfaces of the mobile network device, the one or more values corresponding to the speed of the mobile network device (column 4, lines 8-29); and applying the values of the operating characteristics to the interface of the mobile network device; wherein the one or more operating characteristics include at least one of bandwidth, quality of service method, or percentage or fraction of the bandwidth allocated to one or more types of traffic (figures 2 and 4; column 4, lines 8-29).

As to claim 31, Uchida discloses wherein the types of traffic include at least one of video and voice traffic (column 4, lines 8-29).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida in view of Johnson et al. (US 6,625,135).

As to claim 32, Uchida discloses the method of claim 29 above. Uchida does not specifically disclose wherein the mobile network device is a Mobile Router. However, Johnson et al. (figure 12) disclose a mobile network device (78) as a Mobile Router in wireless LAN and WAN (column 16, lines 19-40). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to adapt the Mobile Router of Johnson et al. to the mobile network device of Uchida for routing packets in the wireless LAN and WAN.

### ***Response to Arguments***

7. Applicant's arguments, see Applicant's remarks, pages 11-15, filed 10/15/2007, with respect to claims 1-28 and 33-35 have been fully considered and are persuasive. The rejections of 1-28 and 33-35 have been withdrawn.

8. Applicant's arguments with respect to claim 32 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Mobile Router may support multiple network devices or networks via its various interfaces" or "the advantage of using values of operating characteristics of interfaces at the speed of the mobile network device in order to select an interface") are not recited in the rejected claim(s) since. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Allowable Subject Matter***

9. Claims 1-28 and 33-35 are allowed over the cited prior art.

Regarding independent claims 1 and 33-35, the cited prior art fail to disclose or fairly suggest the claimed invention with the reasons set forth in the Applicant's remarks filed 10/15/2007, pages 11-15.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Application/Control Number:  
10/732,788  
Art Unit: 2618

Page 6

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quochien B. Vuong whose telephone number is (571) 272-7902. The examiner can normally be reached on M-F 9:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**QUOCHIEN B. VUONG**  
**PRIMARY EXAMINER**

Quochien B. Vuong  
Dec. 24, 2007.